

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JEAN AZOR-EL, et al.,

Plaintiffs,

Case No. 1:20-cv-03650-KPF  
(and consolidated cases)

-against-

CITY OF NEW YORK, et al.,

Defendants.  
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**DECLARATION OF JEAN AZOR-EL**

I, Jean Azor-El, subscribe, state and declare as follows:

1. I am over the age of 18 and of sound mind, and competent to make this declaration.
2. I am a Plaintiff in this matter.
3. I am a pre-trial detainee under the care and custody of the New York City Department of Correction, currently housed in the North Infirmity Command ("NIC") at Rikers Island.
4. NIC houses residents who are sick, disabled, or require constant medical attention.
5. I suffer from obstructive sleep apnea ("OSA"), a disorder that is characterized by the repetitive collapse of the upper airway during sleep. Because of my OSA, I must use a C-PAP machine while sleeping.
6. Traffic in and out of NIC is substantial—officers, nurses, and civilians are changing shifts and circulating throughout the dorm on a daily basis.

7. Civilian teams are supposed to sanitize the dorm three times a day—once in the morning, once in the afternoon, and once in the evening. But they just sweep and mop the floors, and take out the garbage. Frequently, I observe several of these civilians failing to wear a mask while cleaning my dorm in NIC. Many of the civilians wearing masks wear them below their noses.

8. NIC also has physicians' assistants ("PAs") and nurses in the unit. They are supposed to round the unit daily. But PAs often do not round the unit like they are supposed to.

[Note on Para. 8: Please see note by counsel at end of this declaration]

9. PAs, nurses, staff, and officers wear masks incorrectly or not at all. Correctional officers on shift often wear masks under their noses or on their chin, leaving their noses and mouths exposed.

10. Rikers staff and officers are not strictly adhering to mask guidelines.

11. During meal times, our food is delivered on trays to our unit. I do not know how the food served at NIC is prepared or handled since it is not prepared at NIC. Whenever our food is served on plastic trays, there is often old food residue still on the tray. Rikers power-washes the trays, but they do not sanitize them. I fear that the food residue on my trays puts me and my fellow residents at NIC at risk for contracting COVID-19.

12. Rikers does not provide detainees with hand sanitizer. Liquid yellow soap is available in beige, hard plastic dispensers in the bathroom and pantry. I have to press the lever at the bottom of the dispenser to get soap, but Rikers never sanitizes these dispensers. Often, these dispensers run out of soap and are not refilled in a timely manner.

13. The residents of NIC do not have access to disinfecting wipes or cleaning solution, like Virex. Video booths where teleconferences are held do not have any sanitizing solution or wipes. I am unable to sanitize or disinfect the phone prior to using it. I cover the

phone with a compression sock when I use it so I can create some kind of barrier between the phone and myself. Rikers does not sanitize the video booths between calls, and video calls are scheduled one immediately after another.

14. Rikers does not sanitize or disinfect high-touch surfaces such as door knobs, phones, toilets, sinks, and bathroom stall doors. Rikers does not provide incarcerated persons with the materials to sanitize these high-touch surfaces ourselves.

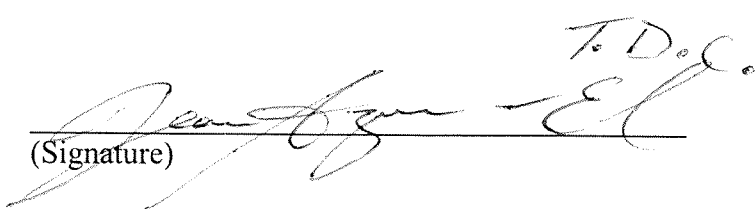
15. Rikers does not distribute latex gloves to incarcerated individuals.

16. From my observation, Rikers has not installed any ventilation filtration systems at NIC. To my knowledge, there is no ventilation in the unit. Vents are dirty and Rikers does not clean them.

17. Rikers tested me for COVID-19 antibodies, and I tested positive. However, Rikers never provided me with medical documentation of my test results to this day, even though I have been asking for these documents frequently.

18. I reserve the right to offer additional information and/or to correct the information I have provided if necessary.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on JANUARY 9, 2021 (date).

  
(Signature)

NOTE BY PLAINTIFF'S COUNSEL: Mr. Barnar has informed counsel that Paragraph 8 should be corrected to read: "The Physician Assistant comes in every late morning/or noon to run sick call, but the Dr. who should make her daily rounds to the unit never seems to do so."